limits of which such place is situated, such proporation of the fee received by the corporation for the grant or renewal of such licence as the Government may, by general or special order, determine.

364. Application to be made for construction, establishment or installation of factory or workshop or work-place in which steam or other power is to be employed.—(1) Every person intending to,—

(a) construct or establish any factory, workshop or work-place in which it is proposed to employ steam-power, water-power, or other mechanical power or electric power, or

(b) to instal in any premises any machinery or manufacturing plant driven by steam, water, electric or other power as aforesaid,

shall before beginning such construction, establishment or installation make an application in writing to the commissioner for permission to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises and shall be accompanied by,—

(a) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Government; and

(b) such particulars as to the power, machinery plant or premises as the corporation may require by bye-laws made in this behalf.

(3) The commissioner shall, as soon as may be, after the receipt of the application,—

(a) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, or

(b) refuse permission if he is of opinion that such construction, establishment or installation is objectionable

by reason of the density of the population in the neighbourhood or is likely to cause nuisance in the neighbourhood.

(4) Before granting permission under sub-section (3), the commissioner,—

(a) shall, if more than nine workers are proposed to be simultaneously employed at any time in the factory, work-shop, work-place or premises, obtain the approval of the inspector of factories appointed under the Factories Act, 1948 (Central Act 63 of 1948), having jurisdiction over the area in the city where such factory, work-shop, work-place or premises is located as regards the plan of the factory, workshop, work-place or premises with reference to,—

(i) the adequacy of the provision for ventilation and light ;

(ii) the sufficiency of the height and dimensions of the rooms and doors ;

(iii) the suitability of the exits, to be used in case of fire ; and

(iv) such other matters as may be prescribed by rules made by the Government, and

(b) shall consult and have due regard to the opinion of the health officer as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) All chimneys in connection with any such factory, workshop or work-place or any such machinery or manufacturing plant shall be of such height and dimensions as the commissioner may determine.

(6) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorises such employment or unless fresh permission authorising such employment has been obtained from the commissioner. Before granting such fresh permission, the

commissioner shall obtain the apporval of the inspector of factories referred to in clause (a) of sub-section (4), as regards the plan of the factory, workshop, work-place or premises with reference to the matters specified in that clause.

(7) The grant of permission under this section shall not be deemed to dispense with the necessity for compliance with the provisions of sections 309 and 310 or sections 323 and 324 as the case may be.

Explanation.—The word "worker" in sub-sections (2), (4) and (6) shall, in relation to any factory, workshop, work-place or premises, have the same meaning as in the Factories Act, 1948 (Central Act 63 of 1948).

365. Commissioner may issue directions for abatement of nuisance caused by steam or other power.—(1) if, in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electric power is used, nuisance is, in the opinion of the commissioner, caused by the particular kind of fuel used or by the noise or vibration created, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the commissioner may,—

(a) prohibit the use of the particular kind of fuel ; or

(b) prohibit the working of the factory, workshop or work-place

(i) altogether until such directions have been carried out ; or

(ii) between the hours of 6 p.m. and 6 a.m. or during any particular time or times between such hours.

366. Prohibition of use of steam-whistle or steam-trumpet without permission of the commissioner.—(1) No person shall, without the written permission of the commissioner, use or employ in any factory or any other